

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1192-E - ORDER NO. 96-402
JUNE 11, 1996

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IN RE: Proceeding for Approval of PURPA Avoided) ORDER GRANTING
Cost Rates for Electric Companies.) MOTION IN PART
) AND DENYING
) MOTION IN PART

This matter comes before the Public Service Commission of South Carolina (the Commission) on the May 29, 1996 oral arguments regarding Consolidated Hydro Southeast, Inc's. (Consolidated Hydro's) Motion to Compel Duke Power Company to release certain information regarding its research material used in the determination of its avoided costs.

On May 29, 1996, Bradford W. Wyche, Esq. argued the Motion to Compel on behalf of Consolidated Hydro Southeast, Inc. Mary Lynne Grigg, Esq. and Richard Whitt, Esq. represented Duke Power Company. F. David Butler, Esq. represented the Commission Staff. Nancy V. Coombs, Esq. also made a statement on behalf of the party Consumer Advocate for the State of South Carolina.

Consolidated Hydro argued that it needed certain computer based materials in order to determine Duke Power Company's methodology for calculating its avoided costs. This consisted of raw data from PROMOD and certain North American Electric Reliability Council Availability Data System Reports on Duke's

generating units for several periods. Consolidated Hydro stated that it must have access to the materials in order to prepare its case and to prepare for cross-examination of Duke Power Company.

Duke Power Company argues that the material requested is commercially sensitive and should be protected under SCRCF 26(c). Duke also notes that Consolidated Hydro is in a bidding process, and that possession of the material from the PROMOD would give them an advantage that no other party has ever gotten before.

The two parties have attempted to work the matter out, without success. This has led to the arguments before us today. We agree with Consolidated Hydro that some of the materials requested are necessary in order to prepare its case and test the validity of Duke Power Company's avoided costs calculations. However, we also agree with Duke Power Company that this material may be commercially sensitive and entitled to a protective order under SCRCF 26(c). We therefore grant Consolidated Hydro's motion to compel in part and deny it in part under the following conditions:

1. Upon the signing by Consolidated Hydro's consultant of Duke Power's Standard Confidentiality Agreement, Duke Power will provide the following to Consolidated Hydro's consultant for review:

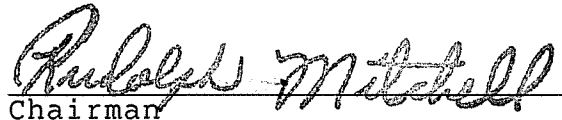
- a) Input summary reports from the PROMOD in hard copy form, accompanied by an individual from Duke Power Company who is thoroughly familiar with this information. At a mutually convenient time, the information will be made available at Consolidated Hydro's consultant's headquarters. Duke Power will

retain control and possession of the input summary report and no copies of the input summary reports may be made. The information and individual will be made available a reasonable number of times. Should the number of visits exceed four, the Commission is to be so advised. If Duke so elects, it may pay all reasonable expenses for Consolidated Hydro's consultant to visit Duke Power Company's offices to review the aforementioned material. Duke may elect this option, versus providing the information and the individual at Consolidated Hydro's consultant's headquarters.

Consolidated Hydro's request that Duke Power Company provide the North American Electric Reliability Council Generating Availability Data System Reports on each of Dukes' generating units for each of the years 1993, 1994, and 1995 is denied. We hold that this is burdensome to provide, therefore, we will not require it.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)